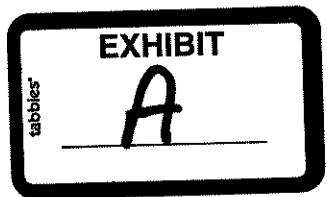


AFFIDAVIT OF LANE YEARBY

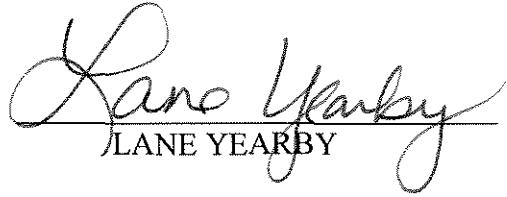
**STATE OF MISSISSIPPI
COUNTY OF HINDS**

Personally came and appeared before me, the undersigned authority in the County and State, within my jurisdiction, the within named Lane Yearby who, having been duly sworn by me, states the following:

1. My name is Lane Yearby, and I am over 21 years of age. I am of sound mind, and I am competent to testify as to the matter set forth in this action.
2. I am a Legal Secretary with Baker Donelson Bearman Caldwell & Berkowitz, P.C. and work for Dewitt L. Fortenberry, Jr.
3. On May 1, 2006, I attempted to file Exhibits "A" through "III" in support of Defendants' Motion for Summary Judgment by electronic means. The public website for the Southern District of Mississippi was unable to accept the filing of Exhibits.
4. The attempts to file Exhibits "A" through "III" were over a course and period greater than one hour after 12 noon on May 1, 2006.
5. A copy of the final docket text setting forth the attempt to file Exhibits "A" through "III" is attached hereto along with the Internal Error codes resulting from the technical failure.
6. The matters set forth herein are based on my own personal knowledge and I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.



FURTHER AFFIANT SAYETH NOT, this the 2nd day of May, 2006.



LANE YEARBY

Sworn before me, this the 2nd day of May, 2006.



Yuen N. Long
Notary Public

My Commission Expires:

